

S/N 10/021,392

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian K. Dewey et al.	Examiner:	Truong, Cam Y.T.
Serial No.:	10/021,392	Group Art Unit:	2169
Filed:	December 12, 2001	Confirmation No.	2633
		Docket No.:	14917.415US01/MS164055.1
Title:	METHOD AND SYSTEM FOR PROVIDING ACCESS TO CONSISTENT POINT-IN-TIME FILE VERSIONS		

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**RESUBMITTED PETITION TO EXPUNGE PURSUANT  
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 ("Previous Petition") was previously submitted on December 13, 2007 with the documents listed on Exhibit A hereto ("Materials"), which were filed in sealed envelope(s) pursuant to MPEP § 724.02.

The Previous Petition was dismissed as being untimely in a Decision on Petition Under 37 CFR §1.59. The Decision on Petition stated:

During prosecution on the merits, the examiner will determine whether or not the information submitted on 13 December 2007 is considered to be "material."

Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

*Decision on Petition, December 27, 2007.*

Prosecution on the above-identified application is now closed. A notice of allowance was mailed on December 23, 2008. Therefore, this Resubmitted Petition to Expunge is now being filed.

To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability ("Criteria"), Petitioner requests that all of the Materials, or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

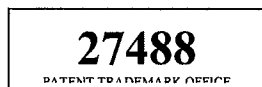
Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, "Litigation");
2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and
5. The appropriate fee, as set forth in 37 C.F.R. § 1.17(g), should be charged for a large entity to Deposit Account No. 13-2725. **[NOTE: The fee has already been paid, and the Decision on Petition indicated that no further fee is required for filing of this Resubmitted Petition to Expunge.]**

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

Dated: March 23, 2009




  
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Exhibit A  
List of Materials Submitted Under Seal Pursuant to MPEP § 724.02

	<p>Scull, Timothy B. <i>Consolidated Report on Patents and Patent Applications Covering the WSPP Protocols</i>. April 3, 2006; pp. 19-21.</p>
	<p>Advisor to the Monitoring Trustee. <i>Review of SMB2 Innovation Report</i>. January 24, 2007; pp. 1-5.</p>